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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,575	10/17/2005	Claudio Lacagnina	07040.0215	9150
22853	7590	11/25/2009		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER KNABLE, GEOFFREY L	
			ART UNIT	PAPER NUMBER
			1791	
			MAIL DATE	DELIVERY MODE
			11/25/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/529,575

**Applicant(s)**

LACAGNINA, CLAUDIO

**Examiner**

Geoffrey L. Knable

**Art Unit**

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2009 and 08 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 45-85, 87-89, 91 and 94-142 is/are pending in the application.
- 4a) Of the above claim(s) 94-142 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 45-76, 78-85, 87-89 and 91 is/are rejected.
- 7) ☒ Claim(s) 77 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/31/2009
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

1. Applicant's election of group I, claims 45-85, 87-89 and 91 in the reply filed on 9/8/2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 94-142 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/8/2009 (as noted above).
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claim 88 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 88, no antecedent has been established for "the at least two handling units".

5. Claims 85, 87-89 and 91 are rejected under 35 U.S.C. 102(b) as being anticipated by Okada et al. (US 2001/0002608).

Okada et al. is applied for the same reasons as set forth in the last office action. In particular, and contrary to applicant's arguments, rubber supplying members "80" are provided adjacent *both* the drums 14a and 14b (fig. 7), these drums being at different heights (fig. 8), it being reasonably understood by the ordinary artisan that the axially

and radially movable extruders/injectors adjacent each drum would be at a height consistent with the drum upon which the strip is to be applied.

6. Claims 45, 48-65, 68-76 and 78-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al. (US 2002/0088529) taken in view of WO 01/39963 to Caretta, at least one of [Holman (US 3,264,162) and Taylor et al. (US 4,088,524)] and further in view of at least one of [Benjamin (US 5,354,404 – newly cited) and Leblond et al. (US 3,696,949 – newly cited)].

Ogawa et al, WO '963, Holman and Taylor et al. are applied for substantially the same reasons as set forth in the last office action. In particular, it is again emphasized that WO '963, Holman and Taylor et al. all provide evidence that the location at which an incomplete tire carcass is to receive an extruded/wound tread/sidewall would conventionally be at a distinct station where the tire carcass must be positioned. As to the new requirement that the storing is able to absorb upstream production and supply downstream production even when the line is at a standstill, Benjamin et al. (esp. col. 2, lines 54-65) provides evidence that the ordinary artisan understands that different stages of tire building often require different amounts of time and are performed at different locations, the inclusion of transport and storage being therefore understood to be necessary. Leblond et al. provides similar evidence of the well known need for and use of storage and transfer between building locations in tire building – note esp. col. 1, lines 20+. WO '963 provides evidence of a similar understanding in this art that tires typically must be stored between stages (e.g. between building and curing) unless special measures are taken (e.g. page 3, lines 27+). WO '963 also suggests the

desirable inclusion of a multiple holding station (e.g. 23 – page 20, line 28 – page 21, line 7) capable of holding *multiple* incomplete tire carcasses, and thus capable of absorbing or supplying as now claimed, to provide a capability to adapt to the differing processing times encountered. In view of these teachings, it is well known and understood in this art that providing intermediate temporary storage is typical and well known between tire building locations as a way to absorb relative excess upstream production. Any system that could absorb excess tires could also supply tires even after upstream production had ceased. Given that it would have been obvious to effect the extrusion/winding application of the tread, etc. at a separate location, it would have been obvious and typical in this art to include transport and storage between the building locations for only the expected and predictable results. The particular production rates would have governed the selection of types/capacities of transport/storage, etc. for only the expected and predictable results.

7. Claims 46, 47, 66, 67, 83 and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al. (US 2002/0088529) taken in view of WO 01/39963 to Caretta, at least one of [Holman (US 3,264,162) and Taylor et al. (US 4,088,524)] and further in view of at least one of [Benjamin (US 5,354,404 – newly cited) and Leblond et al. (US 3,696,949 – newly cited)] as applied above, and further in view of Okada et al. (US 2001/0002608) as applied in the last office action.

8. Claim 77 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Note the last office action.

9. Applicant's arguments filed 3/31/2009 have been fully considered but they are not persuasive.

The previous 35 USC 112 rejection was however overcome. The previous prior art rejection of claim 85 over WO '963 to Caretta was also withdrawn in view of the amendments to the claims. The rejections of claims 85+ over Okada is however maintained, applicant's arguments being addressed within the statement of rejection above.

The arguments with respect to the rejections of the remaining claims are mostly moot in view of the new grounds of rejection necessitated by the amendments to the claims. Additionally, it is noted that the "multiple" holding stations (e.g. 23) of WO '963 to Caretta, which can hold *multiple* tire carcasses being built, would seem to reasonably provide a capability to absorb/supply consistent with the claims as amended,

10. JP 50-070175 has not been considered and has been crossed off the 3/31/2009 IDS as no English language abstract or other statement of relevance has been provided.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey L. Knable/  
Primary Examiner, Art Unit 1791

G. Knable  
November 23, 2009